

FILE COPY

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 Southern District of New York
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UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK

In the matter of the Application of
 LISA MAYER and DEBRA MAYER,

Petitioners,

For the payment by, or delivery of property in
 possession of J.P. MORGAN SECURITIES LLC,
 UNITED STATES OF AMERICA, AMERINDO
 TECHNOLOGY GROWTH FUND II INC.,
 and/or AMERINDO MANAGEMENT INC.,

Respondents,

to satisfy judgment against ALBERTO VILAR,
 GARY TANAKA, AMERINDO INVESTMENT
 ADVISORS, INC. (U.S.), and AMERINDO
 INVESTMENT ADVISORS, INC. (PANAMA),

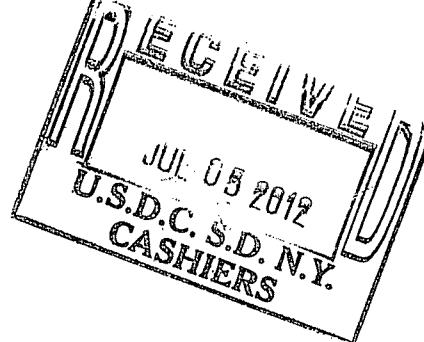
Pursuant to CPLR §§ 5225 and 5227.

Respondent the United States of America, by its attorney, Preet Bharara, United States

Attorney for the Southern District of New York, hereby removes the above-captioned action to
 the United States District Court for the Southern District of New York. The grounds for removal
 are as follows:

1. On or about June 25, 2012, petitioners Lisa Mayer and Debra Mayer
 (“Petitioners”) instituted an action against, *inter alia*, the United States of America, in the

12 CIV 5240



ECF Case

12 Civ. _____

NOTICE OF REMOVAL

from the Supreme Court of the
 State of New York, County of
 New York,
 Index No. 652201/2012

Supreme Court of the State of New York, New York County, which assigned Index Number 652201/2012. The petition purports to seek delivery of property by the Respondents to Petitioners, to satisfy judgments obtained by Petitioners against other individuals and entities in a separate state court action. True and correct copies of the petition and accompanying documents are attached hereto as Exhibit A.

2. The instant action may be removed to this Court pursuant to 28 U.S.C. § 1442(a)(1) it names the United States of America as a party respondent.

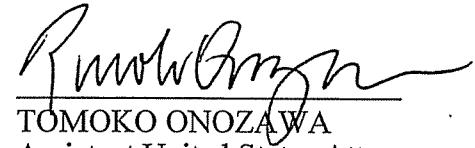
3. Removal pursuant to § 1442(a)(1) is timely under 28 U.S.C. § 1446(b). Section 1446(b)(1) authorizes removal “within 30 days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based, or within 30 days after the service of summons upon the defendant if such initial pleading has then been filed in court and is not required to be served on the defendant, whichever period is shorter.” 28 U.S.C. § 1446(b). Counsel for the Petitioners certified that he caused the petition to be served on the United States of America by hand delivery to the United States Attorney’s Office, Southern District of New York, on June 29, 2012.

4. The submission of this notice of removal is solely for the special purpose of removing this action to the appropriate federal court and is not a general appearance by the United States. This submission does not constitute a waiver of any defense available to the United States, including any defense under Rule 12 of the Federal Rules of Civil Procedure.

Dated: July 5, 2012
New York, NY

Respectfully submitted,
PREET BHARARA
United States Attorney for the
Southern District of New York

By:


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To: Patrick W. Begos, Esq.
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*Counsel for Amerindo Technology Growth Fund II, Inc.
and Amerindo Management Inc.*

Gary Tanaka
Federal Correctional Institution
Terminal Island, No. 57819-054
P.O. Box 3007
San Pedro, CA 90731

CERTIFICATE OF SERVICE

I, Tomoko Onozawa, an Assistant United States Attorney for the Southern District of New York, hereby declare under penalty of perjury that:

(1) On July 5, 2012, I caused a copy of the foregoing Notice of Removal, dated July 5, 2012, to be served, by overnight mail, on the other parties to this matter at the following addresses:

Patrick W. Begos, Esq.
BEGOS HORGAN & BROWN LLP
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Southport, CT 06890
(Also served by electronic mail)
Counsel for Petitioners

Andrea Weiss, Esq.
LEVI LUBARSKY & FEIGENBAUM LLP
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Counsel for J.P. Morgan Securities LLC

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*Counsel for Amerindo Technology Growth Fund II, Inc.
and Amerindo Management Inc.*

(2) On July 5, 2012, I caused a copy of the foregoing Notice of Removal, dated July 5, 2012, to be served by regular mail, on the other parties to this matter at the following address:

Gary Tanaka
Federal Correctional Institution
Terminal Island, No. 57819-054
P.O. Box 3007
San Pedro, CA 90731

Dated: New York, New York
July 5, 2012



TOMOKO ONOZAWA
Assistant United States Attorney